



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAR 10 2010

Ref: EPR-N

Ms. Kniffy Hamilton, Forest Supervisor
Bridger-Teton National Forest
P.O. Box 1888
Jackson, Wyoming 83001-1888

Re: Oil and Gas Leasing in the Wyoming Range,
Draft Supplemental Environmental Impact Statement

Dear Ms. Hamilton:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (Draft SEIS) for Oil and Gas Leasing in the Wyoming Range prepared by the U.S. Forest Service (Forest Service).

Project Background and Description

The Draft SEIS analyzes the potential environmental impacts from oil and gas leasing, exploration, and development on 20,963 acres on the eastern slope of the Wyoming Range in the Bridger-Teton National Forest, Sublette County, Wyoming. The Draft SEIS evaluates whether prior decisions to authorize leasing of 20,963 acres were made with complete information about the potential effects of leasing, and whether the Bureau of Land Management (BLM) should lift the current suspension of issued leases. The Bridger-Teton National Forest is recognized as a nationally significant recreation forest for wild lands, wildlife, and watershed values (Draft SEIS, page 3-22). The Wyoming Range is mostly rugged and includes some of the largest roadless areas in the Bridger-Teton National Forest. The proposed leases are located within the area recently protected under the Wyoming Range Legacy Act. In addition, the leases are within the area proposed for designation as non-attainment with the National Ambient Air Quality Standard (NAAQS) for ozone. The Wyoming Range may represent the most important lynx habitat in the Greater Yellowstone Ecosystem and the project area is considered the most essential habitat for lynx in Wyoming (Draft SEIS, page 3-73).

The Draft SEIS analyzes a reasonable range of alternatives and includes seven alternatives with varying leasing and stipulation scenarios. The alternatives range from the proposed action with authorization and leasing of the 12 suspended leases and the 23 pending leases to the no action alternative which provides for no leasing. Under the no action alternative, the leases under suspension would be cancelled and the leases under protest not awarded. The no action alternative is identified as the preferred alternative.

EPA's Review and Comments

As our past comments have noted¹, EPA has significant concerns regarding the potential adverse impacts to air quality and water quality from the proposed oil and gas leasing, exploration and development in the Wyoming Range. With the existing substantial oil and gas development in the upper Green River basin, exceedances of the ozone NAAQS have been monitored and Governor Fruedenthal has recommended the area be designated as non-attainment with the Clean Air Act's NAAQS for ozone. Many of the proposed lease areas are also in close proximity to the Bridger Wilderness Area. The Bridger Wilderness Area is a federal Class I area under the Clean Air Act, requiring special protection of air quality and air quality related values, such as visibility. In addition, the Wyoming Range supports important wetlands, riparian areas and streams, which EPA believes should be afforded the highest level of protection. EPA has also raised concerns regarding impacts to wildlife and the Draft SEIS acknowledges the likely adverse effects on lynx and its critical habitat from many of the action alternatives. EPA appreciates the collaborative NEPA process in which our concerns were discussed and addressed. The preferred no action alternative is the environmentally preferable alternative and supports the mission of Federal Land Managers to balance multiple uses, including watershed protection, wildlife and recreation. The preferred alternative also addresses EPA's significant concerns regarding potential impacts to air quality and water quality.

EPA's concerns about the potential significant adverse impacts from the leasing decision would remain if the Forest Service were to select another preferred alternative. Depending on placement within this rugged and sensitive area, one single well can have a significant and adverse impact on wetlands, streams, wildlife, and air quality. The level of analysis in the Draft EIS is adequate to support a no action alternative. If, however, the Forest Service were to select a leasing alternative, more rigorous air quality and water quality analysis would need to be performed to support such an action.

¹ Letter from Larry Svoboda, EPA Region 8, to Kniffy Hamilton, USFS, and Bob Bennett, BLM (Scoping Comments, March 26, 2008)

Letter from Larry Svoboda, EPA Region 8, to Kniffy Hamilton, USFS (Supplemental Draft EIS, June 17, 2008 and August 18, 2008)

EPA's Rating

Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. In accordance with our policies and procedures for reviews under NEPA and Section 309 of the Clean Air Act, EPA is rating this Draft SEIS as "Lack of Objections" ("LO"). EPA's rating is based on the Forest Service's preferred alternative, no action. The LO rating means that EPA's review of the preferred alternative did not identify any potential environmental impacts requiring substantive changes. Further, EPA believes the Draft SEIS adequately sets forth the environmental impacts of the preferred alternative. A full description of EPA's EIS rating system is enclosed.

If you have any questions regarding our comments or this rating, please contact Joyel Dhieux, the Lead NEPA Reviewer for this project, at 303-312-6647 or me at 303-312-6004.

Sincerely,



Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.